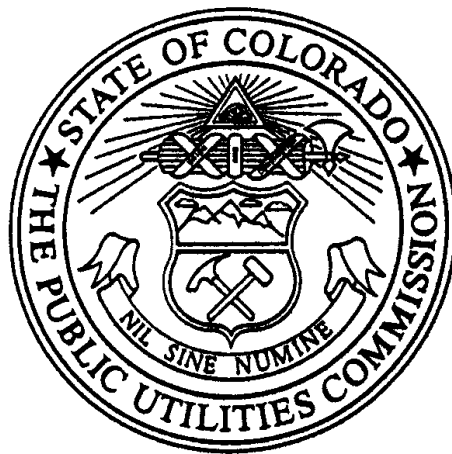


LIMITED REGULATION CARRIER RULES
of the
RULES REGULATING TRANSPORTATION
BY MOTOR VEHICLE

723-6-6300.



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COLORADO DEPARTMENT OF REGULATORY AGENCIES
THE PUBLIC UTILITIES COMMISSION

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BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the state of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a motor carrier; insurance and permit requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport), and transportation network companies. In addition, these rules cover persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a, including motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10.1-101 through 608; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

LIMITED REGULATION CARRIER RULES

6300. Applicability of Limited Regulation Carrier Rules.

Rules 6300 through 6399 apply to all limited regulation carriers and to all Commission proceedings and operations concerning limited regulation carriers, permit holders, employees, and drivers.

6301. Definitions.

In addition to the definitions in rule 6001, the following definitions apply to all carriers subject to these limited regulation carrier rules:

- (a) "Charter basis" means on the basis of a contract for transportation whereby a person agrees to provide exclusive use of a motor vehicle to a single chartering party for a specific period of time during which the chartering party has the exclusive right to direct the operation of the vehicle, including, selection of the origin, destination, route, and intermediate stops.
- (b) "Charter order" means a paper or electronic document that memorializes the contract for luxury limousine or off-road scenic charter service for a specific period of time reasonably calculated to fulfill the purpose of the contract. A charter order shall state the charge, the charge method, or a reasonable estimate of the charge. A charter order also shall contain the name and telephone number of the person contracting on behalf of the passengers; the name and telephone number of at least one passenger; the name, telephone number, and PUC number of the carrier and, if different from the carrier, of the driver; pickup time; and pickup address. A copy of the charter order shall be maintained for at least one year following the provision of service.
- (c) "Chartering party" means a person or group of persons who share a personal or professional relationship whereby all such persons are members of the same affiliated group, including, a family, business, religious group, social organization or professional organization. "Chartering party" does not include groups of unrelated persons brought together by a carrier, transportation broker, or other third party.
- (d) "Luxury limousine carrier" means every person that provides luxury limousine service.
- (e) "Luxury limousine service" means a specialized, luxurious transportation service provided on a prearranged charter basis as defined in paragraph 6301(a), memorialized in a contract. "Luxury limousine service" may not include taxicab service or any service provided between fixed points over regular routes at regular intervals.
- (f) "Prearranged" means that the charter order for luxury limousine service is entered into electronically or telephonically prior to provision of the service, or entered into in writing prior to the arrival of the luxury limousine at the point of departure.

6302. – 6303. [Reserved].**6304. Exterior Vehicle Markings, Signs, or Graphics.**

- (a) Except as otherwise provided in this rule, no person shall have any exterior signs or graphics on a luxury limousine.
- (b) The carrier's permit number preceded by "LL" or "PUC LL" or "CO PUC LL" shall be of a size and color readily visible from 50 feet, but in any case not less than one and a half inches tall and not more than three inches tall. The markings may be displayed on either the front and rear of the motor vehicle or on both sides.
- (c) Signs or graphics located inside the luxury limousine that are readily legible from the outside shall be deemed to be exterior signs and graphics.
- (d) Nothing in this rule shall prohibit the following:

- (I) markings, signs, or graphics otherwise required by law, including those required by any rule of the Commission, the Colorado Department of Public Safety, the FMCSA, or an airport authority;
- (II) markings, signs, or graphics attached by any law enforcement agency; or
- (III) signs or graphics attached by the motor vehicle manufacturer or dealership for the purpose of identifying the manufacturer, dealership, or the motor vehicle's make or model.

6305. Luxury Limousine Features.

- (a) In addition to compliance with the safety rules, each luxury limousine carrier shall otherwise ensure that its motor vehicles are in good physical condition. The Commission shall use the following guidelines in determining if a vehicle is in good physical condition:
 - (I) The body of the luxury limousine has a good, unfaded paint job; is devoid of dents, rust, broken trim, and cracked windows; and
 - (II) Except for problems caused by current weather conditions, the interior of the luxury limousine is clean, free of offensive odors, and has no major tears, cracks, or stains upon the upholstery, headliner, and carpeting.
- (b) Age of Motor Vehicles. Except for luxury limousines covered under subparagraph 6308(a)(IV), luxury limousine carriers shall not use vehicles older than ten model years as of July 1 of each year. For purposes of this rule, the counting of model years shall begin with the present calendar year. By way of example, between July 1, 2011, and June 30, 2012, counting backwards, 2011 is the first model year, 2010 is the second model year, and so forth.

6306. - 6307. [Reserved].

6308. Luxury Limousine.

- (a) A luxury limousine is:
 - (I) Stretched limousine, which is a motor vehicle whose wheelbase has been lengthened beyond the original manufacturer's specifications.
 - (II) Executive car, which is a motor vehicle that has four doors and is:
 - (A) a sedan, crossover, or sport utility vehicle manufactured by: Acura, Audi, Bentley, BMW, Cadillac, Ferrari, Infiniti, Jaguar, Lexus, Lincoln, Maserati, Mercedes-Benz, Porsche, or Rolls Royce; or
 - (B) one of the following: Chrysler 300, Hyundai Equus, Saab 9-5, Chevrolet Suburban, Chevrolet Tahoe, Ford Excursion, Ford Expedition, GMC Yukon, Hummer (all models, excluding sport utility truck version).
 - (III) Executive van, which is a motor vehicle built on a cutaway chassis, a motor coach, or a van (but not a minivan as classified by the original manufacturer) whose interior has been enhanced by the installation of either:
 - (A) Captain's chairs, couch seats, or similar seating in place of standard bench seating; or

(B) Both of the following:

- (i) An electronic video media system such as television with DVD that is securely attached to the motor vehicle in a professional manner. The screen shall have a diagonal measurement of at least ten inches, be viewable by passengers seated to the rear of the driver, and be in compliance with 49 C.F.R., § 393.88.
- (ii) Beverages and beverage service amenities, including at least an ice container and glasses or cups. The beverages and amenities shall be securely positioned inside a console or cabinet located inside the passenger compartment, to include any containment system, console and cup holder built into the motor vehicle by the manufacturer, and securely attached to the motor vehicle in a professional manner. The beverages are not required to be alcoholic in nature.

(IV) Other limousine, which is a classic, antique, or specially built motor vehicle that has or had a retail value of \$50,000.00 or more.

6309. Luxury Limousines – Operational Requirements, Prearrangement Required.

- (a) No person shall provide luxury limousine service, or a service ancillary to luxury limousine service, except on a prearranged charter basis.
- (b) The fact that the drop off time is amended in a charter order during the course of performance (i.e., the amended drop off time is agreed to before the original drop off time is reached) does not, in and of itself, mean that such transportation is not on a prearranged charter basis. All requirements of a charter order apply equally to the amended charter order.
- (c) Although a charter order must be for a specific period of time reasonably calculated to fulfill the purpose of the charter, these rules do not prohibit terms addressing time in excess of such calculated specific period of time.
- (d) Without affecting any other requirement of these rules, a luxury limousine carrier shall, at all times when providing luxury limousine service, carry in each vehicle a charter order. However, the total charge for the specific period of time may be omitted or stricken from the copy of the charter order carried in each vehicle.
- (e) A luxury limousine carrier shall not station a luxury limousine within one hundred feet of a recognized taxicab stand, a designated passenger pickup point at an airport, a hotel, or a motel without the completed charter order in the vehicle. A luxury limousine carrier shall not station a luxury limousine at the point of departure more than forty-five minutes prior to the pickup time noted on the charter order.
- (f) A luxury limousine carrier shall provide the charter order immediately upon request by any enforcement official or airport authority.
- (g) Prior to the provision of service, a luxury limousine carrier shall provide the other party to the contract underlying the charter a paper or electronic copy of the charter order.
- (h) If a passenger is not a party to the contract underlying the charter, the luxury limousine carrier shall provide at least one passenger with name and telephone number of the carrier and, if different from the carrier, of the driver providing the transportation service at the point of departure.

6310. Luxury Limousine Service – Presumptions.

- (a) A person shall be presumed to have provided luxury limousine service in violation of paragraph 6309(a) if, without prearrangement, such person:
 - (I) accepts payment for the transportation of the chartering party at the point of departure;
 - (II) makes the luxury limousine available to the chartering party at the point of departure;
 - (III) negotiates the immediate availability of, or the price for immediate use of, the luxury limousine at or near the point of departure;
 - (IV) loads the chartering party or its baggage into the luxury limousine; or
 - (V) transports the chartering party in the luxury limousine.
- (b) A luxury limousine carrier that charges or offers to charge for transportation services on a per person basis shall be presumed to be providing or offering to provide services as a common carrier.
- (c) A luxury limousine carrier may rebut the presumptions created in this rule by competent evidence.

6311. Limited Regulation Carrier Violations, Civil Enforcement, and Civil Penalties.

- (a) A person who violates § 40-10.1-302, C.R.S., or paragraph 6309(a), may be assessed a civil penalty of up to \$1,100.00 for each violation.
- (b) A person who violates rule 6309 may be assessed a civil penalty of up to \$500.00 for each violation.
- (c) Except as provided in paragraphs (a) and (b) of this rule, a person who violates any provision of Part 3 of Article 10.1 of Title 40, § 42-3-235, C.R.S., or any provision of these limited regulation carrier rules may be assessed a civil penalty of up to \$275.00 for each violation.
- (d) Civil penalty assessments are in addition to any other penalties provided by law.

6312. – 6399. [Reserved].
